

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA

v.

NATHAN HOTCHKISS

Defendant(s)

Case No. 5:22-MJ-560 (ML)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of September 26, 2022 in the county of Lewis in the Northern District of New York the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2251(a)	Sexual exploitation of a child
18 U.S.C. § 2252A(a)(2)(A)	Distribution of child pornography

This criminal complaint is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

 #4300
HSI

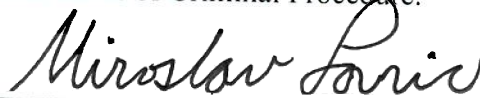
Complainant's signature

Christopher J. Rupp, HSI Special Agent

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: September 29, 2022



Judge's signature

City and State: Binghamton, NY

Hon. Miroslav Lovric, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christopher J. Rupp, being duly sworn, depose and state:

INTRODUCTION

1. I am a Special Agent with Homeland Security Investigations (HSI) within the Department of Homeland Security, assigned to the Resident Agent Office in Alexandria Bay, New York, and have been so employed since 2004. As part of my daily duties as a Special Agent with HSI, I investigate crimes involving child exploitation and child pornography, including violations pertaining to the production, distribution, transportation, receipt, and possession of child pornography in violation of Title 18, United States Code, Sections 2251 and 2252A. I have received specialized training in child pornography and child exploitation and have had the opportunity to observe and review numerous examples of child pornography in various forms of media including computer media. I also have been involved in the execution of numerous child exploitation search warrants, as well as being the affiant for search warrants relating to the possession, receipt and distribution of child exploitative material concerning the Internet, computers, smart phones, electronic devices, and their associated media storage components.

2. This affidavit is made in support of an application for a criminal complaint charging Nathan D. HOTCHKISS with violations of Title 18, United States Code, Sections 2251(a) (sexual exploitation of a child) and 2252A(a)(2)(A) (distributing child pornography).

BASIS OF INFORMATION

3. The information contained in this affidavit is based upon my investigation of this matter and on information provided by other law enforcement agents. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that HOTCHKISS has sexually exploited a child and distributed child pornography in violation of the criminal code provisions set forth above.

OVERVIEW OF INVESTIGATION

4. On September 26, 2022, the New York State Police (“NYSP”) received an anonymous tip electronically via the NYSP Crime Tip email account. The anonymous tip reported, in sum and substance, that HOTCHKISS was posting files on an internet message board in which children were being offered for sexual purposes in exchange for cash or drugs. The tipster also provided HOTCHKISS’s date of birth, home address, and a phone number. Additionally, the tipster reported the ongoing sexual abuse of V1 (an approximately two-year-old male child) and V2 (an approximately four-year-old female child). The tipster also provided two “still images” that he claimed to be HOTCHKISS and the victims (not child pornography) and three videos of child pornography involving HOTCHKISS. This material is available for the Court’s inspection upon request. The child pornography files are described as follows:

- VID_20220925_211804_814.mp4 – a child who appears to be less than six years old is lying facedown on a black, white, and gray backing while an adult male inserts his erect penis into the child’s anus. A tattoo is

visible on the adult male's abdomen and another is visible on the adult's right thigh;

- vlc-record-2022-09-26-09h34m30s-VID_20220926_020815_839.mp4 – a naked adult male lying down while a child's hand manually stimulates the man's penis. There are tattoos visible on the adult male's abdomen, hip joint, and lower left leg. The child then performs oral sex on the male's penis and rubs the male's penis on the child's buttock. The child appears less than five years old.
- vlc-record-2022-09-26-09h36m11s-VID_20220926_020815_839.mp4 – a naked male adult lying down while a child's hands manually stimulate the man's penis. There are tattoos visible on the male's abdomen and lower left leg. The adult male then exposes the child's buttocks, anus, and testicles and attempted to engage in anal sexual conduct. The adult male then engages in anal sexual intercourse with the child and there is an unknown white substance on the child's buttocks. The child appears less than five years old.

5. In addition to the tip provided to the NYSP, the National Center for Missing and Exploited Children reported a tip on September 26, 2022, which provided in part as follows:

The reporting person reports that “the reported person has posted videos of him sexually abusing his children on Telegram. The reported person also posts solicitations of the children on the app for people to purchase sex with the children in exchange for drugs and money. The caller located the reported persons eBay store and when he Googled Nates Antiques and Vintage Goods Castorland he was able to pull up the reported persons home address and

other personal information. The caller stated he had videos for evidence of the sexual assaults the reported person posted of himself, and the children and he wanted to send it to NCMEC. . . .”

This tip also identified HOTCHKISS as the perpetrator of the abuse and included the same address and telephone number for him that was provided in the tip to the NYSP.¹

6. NYSP performed background and record checks concerning HOTCHKISS. This revealed information, including a driver’s license record and criminal history report that listed the same home address for HOTCHKISS as the one provided by the tipsters.

7. The NYSP, based on the tip and information corroborating the allegations involving HOTCHKISS, applied for a state search warrant for HOTCHKISS’ residence to look for evidence of several state offenses concerning the sexual abuse of children. The Honorable Debora W. Earl, of the Town of West Turin Court, issued a search warrant for 10399 State Route 125, Castorland (Lewis County), New York 13620.

8. On September 26, 2022, at approximately 4 p.m., your affiant and the NYSP executed that warrant. HOTCHKISS was found in the residence with a child that appeared to be V2.

9. During the search of HOTCHKISS’ residence, investigators recovered HOTCHKISS’s cell phone, a desktop computer, and several other electronic devices. An on-scene forensic preview of HOTCHKISS’ cellular phone revealed images of child exploitation, including: File Name: 4904797689335513928, MP4 Video – involving V2. This video, viewed by your Affiant and available to this Court upon request, shows V2 unclothed, sitting on a bed, holding and stimulating HOTCHKISS’s erect penis.

¹ It is unknown currently whether the same person is responsible for both tips.

HOTCHKISS is known to be the adult in the video based on tattoos observed in the video that match tattoos on HOTCHKISS's person. There is also evidence that the video was filmed in HOTCHKISS's residence because certain interior furnishings depicted in the video match the interior of HOTCHKISS's residence as observed during the search.

10. An on-scene forensic preview of HOTCHKISS' phone also revealed several other images of child exploitative material. For example, file 4913737831265862966_1109.jpg, shows a prepubescent penis being held by an unknown individual's left hand while the individual's tongue is licking the tip of the penis.

11. Your Affiant also observed apparent child pornography on a desktop computer found in the residence within a file folder labeled "Telegram."²

12. The state search warrant authorized investigators to examine and photograph HOTCHKISS's person to compare him to the adult in the child exploitation videos shared by the tipster. The result of this examination revealed that HOTCHKISS's tattoos match those depicted in the videos described above and provided to NYSP by the tipster.

13. As the search warrant was being executed, NYSP Investigators Baker and Waite interviewed HOTCHKISS at the Lowville Barracks. HOTCHKISS was orally advised of his *Miranda* rights, which he agreed to waive. HOTCHKISS then made the following admissions, in sum and substance, among others:


- he does sexual "camera work" (recording sexual acts) online via Zoom, Telegram and other social media apps;
- he gets paid for his "camera work" via PayPal and Cash App;

² Telegram is a globally accessible, cross-platform, cloud based instant messaging service. Telegram also provides optional end to end encrypted chats and video calling, voice over internet, file sharing and several other features.


- he has been propositioned online to provide child pornography to others;
- he has child pornography on his electronic devices, including hundreds of files from Mega;³
- he has forwarded child pornography to online groups;
- V2 has performed mouth-to-penis contact on him and played with his penis while at his residence;
- he photographed himself with V2 when V2 touched his penis and/or put his penis in V2's mouth; and
- he has sold videos showing himself sexually abusing V2 in the last couple of months, was paid between \$50-\$150 for each sale, and he distributed them online.

CONCLUSION

14. Based upon the above information, there is probable cause to conclude that Nathan D. HOTCHKISS has violated Title 18, United States Code, Sections 2251(a) (sexual exploitation of a child) and 2252A(a)(2)(A) (distributing child pornography).


Christopher J. Rupp #4200, HSI
HSI Special Agent

Sworn to me this
29th of September 2022


The Honorable Miroslav Lovric
United States Magistrate Judge

³ Mega is a cloud storage and file hosting service available through web-based apps.